

# In the United States Court of Federal Claims

No. 21-1070  
(Filed: August 20, 2021)

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MIRIAM C. MONTILEAUX, \*  
\*  
\*  
and \*  
\*  
\*  
CHARLES T. MONTILEAUX, SR., \*  
\*  
\*  
Plaintiffs, \*  
v. \*  
\*  
THE UNITED STATES OF AMERICA, \*  
\*  
Defendant. \*  
\*\*\*\*\*

## **ORDER DISMISSING COMPLAINT FOR FAILURE TO PROSECUTE**

On May 5, 2021, Defendant in the above-captioned case filed a motion to dismiss the complaint for lack of subject-matter jurisdiction and for failure to state a claim upon which relief can be granted, *see* ECF No. 8, to which Plaintiffs filed no response. The Court *sua sponte* granted an extension of time for Plaintiffs to respond to Defendant's motion by July 14, 2021. ECF No. 11. The Court advised "[i]f Plaintiffs fail to file a response, or, in the alternative, file a motion to enlarge the time for filing a response, Plaintiffs' complaint will be dismissed for failure to prosecute pursuant to RCFC 41(b)." *Id.* To date, Plaintiffs have neither filed a response to the motion nor a motion to enlarge the time for filing a response.

In view of the foregoing, it is **ORDERED** that Plaintiffs' **COMPLAINT** is hereby **DISMISSED WITHOUT PREJUDICE** for failure to prosecute pursuant to Rule 41(b) of the Rules of the Court of Federal Claims ("RCFC"). The Clerk is directed to take the necessary steps to dismiss this case accordingly.

**IT IS SO ORDERED.**

s/ Thompson M. Dietz  
THOMPSON M. DIETZ, Judge